

HISTORIC PRESERVATION COMMISSION

Minutes

February 12, 2004
Salisbury, North Carolina

The Historic Preservation Commission for the city of Salisbury met in regular session on Thursday, February 12, 2004, in the Council Chambers at the City Hall, 132 N. Main Street.

The meeting was called to order by the Chairman, Charles Paul. In addition to Mr. Paul the following members were present: Ronald Fleming, Maureen O'Farrell, Mike Fuller, Mark Perry, Richard Sylvester, Jeff Sowers, Kathy Walters, and Michael Young.

Certificates of Appropriateness

H-05-04 **420 W. Bank St.** – Tim & Julia Boyles, owner - Certificate of Appropriateness for re-siding for detached garage to match wood siding of house, paint to match house

Tim Boyles was sworn to give testimony for the request. Staff showed slides.

Mr. Boyles testified that he would like to remove asbestos siding from the detached garage located in the rear of his property, and replace with wood siding to match the house. The garage would also be painted to match the house.

There was no one present to speak in support or opposition to the request.

Dick Sylvester made the following motion: "I move that the Commission find the following facts concerning application H-05-04, that Tim Boyles, owner of 420 W. Bank St., appeared before the Commission and sought a Certificate of Appropriateness to reside and paint the detached garage to match the wood siding of the house; that no one appeared before the Commission to support or oppose this request; this request should be granted based on the Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Garages and Outbuildings, pages 22-23, guidelines 1,2,3 and 5 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for application H-05-04 be granted to Tim & Julia Boyles, owners of 420 W. Bank St. to make the changes detailed in the application."

Ron Fleming seconded the motion; all members present voted AYE.

H-06-04 **305 W. Innes St.** – First Presbyterian Church, owner – John Safrit, applicant – Certificate of Appropriateness for lighting walks and front of the sanctuary

John Safrit was sworn, as agent, to give testimony for the request. Staff showed slides.

Mr. Safrit stated that the proposed lighting was selected to enhance the front of the church and to light the walkway for safety. He stated that the church has had concerns about safety at the church for several years.

A slide of the church was shown to indicate the location of 2 pole lights which are duplicates of the lighting located in the parking lot on 14" poles, and in the courtyard on 12" poles, both with 3' fixtures. Another slide was shown of the church at dusk. He stated that the church is very hard to see at night.

Pictures were shown of the fixture head that would be used, as well as the proposed poles. The fixtures that will up-light the church will be located behind the boxwoods, and the fixtures to light the sidewalk will be in the trees. The sizes of the fixtures are 6"x3" including the louver. The 2 pole lights would have the standard 50-watt metal halide lights; however, the parking lot and courtyard lights will be 175-watt metal halide since they will be lighting a large area. The fixtures in the trees will be lit with 75-watt, 12 degree spread, MR-16 lamps.

Mr. Safrit stated that a suggestion was made from a city staff member that it may look better if the pole lights were moved out further than where they are currently located.. He presented an image to show the difference and stated that the change would not affect the lighting from the foot candles.

Kathy Walters agreed that esthetically they do look better spread apart, as did other Commission members. Mr. Safrit said that he would move them approximately 5 ft. in each direction.

There was no one present to speak in support or opposition of the request.

Kathy Walters made the following motion:

"I move that the Commission find the following facts concerning Application #H-06-04 – that John Safrit, applicant for First Presbyterian Church, owner of 305 W. Innes St., appeared before the Commission and sought a Certificate of Appropriateness to install lighting along the walks and the front of the sanctuary, that no one appeared before the Commission to support or oppose the request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 –Site Features and District Setting – Lighting, page 61, guidelines 1-6 of the Non-Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for application #H-06-04 be granted to First Presbyterian Church St. to make the changes detailed in the application."

Dick Sylvester seconded the motion; all members present voted AYE.

H-07-04 **224 E. Bank St.** – Clyde Overcash, owner
H-08-04 **202 N. Main St.** – County of Rowan, owner
H-09-04 **226 S. Jackson St.** – Historic Salisbury Foundation, Inc., owner –
Certificates of Appropriateness for placement of North Carolina Civil War trail historical
marker and “trail blazer” sign (NCDOT)

Judy Newman was sworn to give testimony for the requests. Staff showed slides.

Ms. Newman informed the Commission that the state of North Carolina has partnered with Virginia and Maryland to create Civil War trails. She stated that the 1st trail called “Carolina’s Campaign” will come as far as Salisbury because of the significant role Salisbury had in North Carolina’s part in the Civil War.

She stated that the Rowan Museum, the Hall House, and the Garrison House (Salisbury’s Military Prison) will be the 3 sites that can be visited. The marker at the Garrison House will be located at the top of the hill before crossing over the railroad track; the marker at Rowan Museum will be located on the Council St. side beside the sidewalk; and the marker at the Hall House will be located between the Privet hedge and the sidewalk.

Ms. Newman described the sign which will be dark Bronze in color; the inlay for the wording will be fiberglass imbedded. The community, she stated, will be able to choose the writing desired on the signs. She presented a picture of a trail blazer sign which is Blue and Red print on a White background.

In response to a question from Michael Young as to the maintenance of the signs, Ms. Newman stated that cost for maintenance is \$200 per year. The county of Rowan has committed to \$200 p/year for 10 years for the sign at the Rowan Museum; Historic Salisbury Foundation for maintenance at the Hall House; and the Tourism Development Authority for maintenance at the Garrison House. She also stated that the city of Salisbury will pay \$3300 for the total cost of the 3 signs.

Michael Young informed the Commission that Downtown Salisbury, Inc., the Master Plan Committee, and the Art Wall Committee are all very much in favor of the project.

Ms. Newman further informed the Commission that DOT trail blazer signs will be placed on the interstate indicating that there are Civil War sites interpreted in Salisbury.

There was no one present to speak in support or opposition to the request.

Michael Young made the following motion: “I move that the Commission find the following facts concerning applications #H-07-04, #H-08-04, and #H-09-04 – that Judy Newman, applicant for the county of Rowan, the Salisbury Historic Foundation, and Clyde Overcash appeared before the Commission and sought a Certificate of Appropriateness to place a North Carolina Civil War trail historical marker and NCDOT “trail blazer” sign at 224 E. Bank St., 202 N. Main St., and 226 S. Jackson St.,

that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Signs, pages 50-51, Guidelines 1,2,3 and 7 of the Residential Historic District Design Guidelines, and Sect. 4 – Site Features and District Setting, pages 54 and 56, Guidelines 1,2,3,4 and 8 of the Non-Residential Design Guidelines; no mitigation factors; therefore , I further move that a Certificate of Appropriateness for applications #H-07-04, #H-08-04, and #H-09-04 be granted to Judy Newman, applicants for the county of Rowan, Historic Salisbury Foundation, and Clyde Overcash to make the changes detailed in the application.”

Ron Fleming seconded the motion; all members present voted AYE.

H-10-04 922 Scales St. – Nathan Haillenburg, owner – Certificate of Appropriateness for (1) all wood trims painted White (2) Re-roof with Hunter Green shingles – gables reshingled in Brownwood (3) remove non-functional chimney in rear (4) replace 2 basement windows with glass blocks (4) replace existing metal storm door with new one (6) replace vinyl shutters with wood board and batten shutters with cut-out design

Mr. Haillenburg was sworn to give testimony for the request. Staff showed slides.

Mr. Haillenburg informed the Commission that he would like to re-shingle the roof of house in Green and presented the sample, Chateau Green, the gables re-shingled in Brownstone. He requested permission to re-shingle the detached garage in Chateau Green to match the house. He further stated that all the wood trim on the house would be painted White.

Mr. Haillenburg stated that he would like to remove a chimney that is located in the back of the house, which had been a chimney for an old wood stove that is no longer needed. He said that during heavy rains, water leaks through into the kitchen. In response to a question from the Chair, Mr. Haillenburg stated the chimney goes to the top as far as the plaster ceiling, and the hole is covered with a metal plate.

Michael Young reminded the Commission of the case where there was a problem with a chimney on the Plaza building. He stated that Paul Blomberg inspected it and determined that the chimney was not significant to the building. Mr. Young stated that Mr. Haillenburg’s chimney, in turn, would not be significant. He stated that he would not have a problem with its removal. Other Commission members agreed. David Phillips also reminded the Commission of a chimney removal with similar circumstances from a house on S. Ellis St.

Mr. Haillenburg testified that he would like to replace the existing vinyl shutters on the house with wood board and batten shutters with a windmill cut-out design. All the shutters would be painted Green to match the roof. Kathy Walters asked Mr. Haillenburg if he had considered removing the shutters completely. Jeff Sowers informed him that his style house did not have shutters at all.

Mr. Haillenburg stated that he thought that the shutters would improve the appearance of the house and have curb appeal.

Jeff Sowers stated that he thinks that the one shutter on the house was probably added at some time. He said that he thinks that the house would look better to keep it the way it originally was intended.

Ms. O'Farrell stated that the house would probably have more curb appeal if it was correct for it's era than to have shutters that were added at another date.

Mr. Haillenburg said that he would love to have the shutters but was open to their suggestions.

He continued with the request to replace the existing storm door with a new more flattering door. He described the new door that he would like to have.

Michael Young read the guidelines from the Design Guidelines pertaining to replacement of the storm door. He continued by stating that though the proposed door is not wood, it is not a bright aluminum door. Kathy Walters recalled that they had approved other metal edged full-view doors in the past, and referred members to guideline #8. All members were in agreement that the door would be appropriate.

From the slides, Mr. Haillenburg pointed out 2 broken basement windows that are now boarded up from the inside that he would like to replace with glass blocks. He presented a sample of the 4x8 block of thick glass. He testified that it would take 12 blocks per window, and each window would be outlined in wood.

At the end of Mr. Haillenburg's presentation, Mr. Paul explained to him, that it seemed that all the members were not sure about the shutters. When Mr. Haillenburg was given the option to withdraw that portion of the request, he decided to do so, with the knowledge that he could make the request at another time if he chose to do that.

There was no one present to speak in support or opposition of the request.

Ron Fleming made the following motion:

"I move that the Commission find the following facts concerning application #H-10-04 – that Nathan Haillenburg, owner of 922 Scales St. appeared before the Commission and sought a Certificate of Appropriateness to paint all wood trim White, re-roof house and detached garage with Hunter Green shingles, re-shingle gables in Brownwood, remove non-functional chimney in rear, replace 2 basement windows with glass blocks, and replace the existing metal storm door with a new one; that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Roofs, pages 10-11, Guidelines 1,2,3 and 8; Chapter 2 – Changes to Buildings – Windows and Doors, pages 14-15, Guidelines 1,2,4,5,6,8,11 and 15;

Chapter 2 – Changes to Buildings – Masonry, pages 24-25, Guidelines 1-3; Chapter 2 – Changes to Buildings – Paint, pages 30-31; Guideline 8 of the Residential Historic District Design Guidelines; that there are no mitigating factors; therefore, I further move that a Certificate of Appropriateness for application #H-10-04 be granted to Nathan Haillenburg, owner of 922 Scales St. to make the changes detailed in the application with the following differences: permanent removal of shutters.”

Kathy Walters seconded the motion; all members present voted AYE.

Committee Reports

Amendments to the Guidelines

Lynn Raker made the report for the committee which also included Janet Gapen, Maureen O’Farrell, David Phillips, Michael Young, and Kathy Walters.

Ms. Raker stated that the committee was mainly looking at the problem with replacement windows in the downtown non-residential area. The first proposal was that the projects that have approval from the State Historic Preservation Office for tax credits be a minor work approval process. The statement would be inserted on page 8, **1.4.3 Certificates of Appropriateness**; also, page 13, #26 under Minor Works by committee. (She stated that it could be moved up to another number if they chose to do so, or even to Minor Works by Administrative Review.)

Upper Façade Guidelines

Ms. Raker stated that the intent is to still require original windows to preserved, repaired, kept, but after a lot of discussion they did delete the script of #2 and changed it to read: *It is not appropriate to remove or replace original upper façade windows with modern materials.* She said that is with the assumption that the windows are still there. #3 (meaning that the windows are there) would read: *When upper floor windows must be replaced, match the original in configuration and, where possible, materials.....*

Following the Commission’s discussion of #3, it was agreed that the words “*where possible*” should be removed.

Ms. Raker stated that another guideline under Reconstruction was added, which will read: #5. *It is only appropriate to use alternate materials when all the original windows are missing or destroyed.*

Charles Paul commented that the changes added the clarity that was needed.

Repairs and Minor Works

Ms. Raker informed Commission members that the request for the storm door at 421 W. Thomas St. (H-04-04) has been granted. She said that a wooden storm door that cost \$400.00 had to be ordered. She said it was not what she needed not what she wanted, but based on the guidelines there was no other choice because there is no allowance for metal storm doors under minor works.

She referred the members to Repairs and Minor Works, page 6 of the Design Guidelines, #12 which reads: *Storm or screen doors which are wooden and which are stained in natural wood color or painted in a color to match the house or trim.* Also, Change to Buildings – Windows and Doors, p.15, #8 which reads in the last sentence: *metal or storm or screen doors are not appropriate.*

Charles Paul stated that there are fiberglass doors now that when painted cannot be distinguished from wooden doors.

Following discussion, the Commission agreed upon the following wording for the storm door guideline under minor works approval by committee: *Storm doors with full-view glass with a baked enamel finish to match the trim of the house.*

Following additional discussion, Mr. Paul suggested that the Committee discuss the change and provide the wording for approval at the next meeting.

Charles Paul made the motion to accept the committee's recommendations on changes to the Guidelines – Section 1.4.3 Certificates of Appropriateness and the Upper Façade Guidelines as submitted by the committee with the changes discussed in #3 and the addition of the minor works."

Jeff Sowers seconded the motion; all members voted AYE.

Mike Fuller named several house in the West Square District that are in disrepair and asked if there was anything that could be done about them. David Phillips stated that there would need to be section established in the ordinance to cover that because would be an issue with code. He said that now would be a good time to bring that up since the ordinance is being re-written.

Old Business

115 E. Council St.

Charles Paul informed the Commission of his discussion with Graham Carlton relative to the appeal of 115 E. Council St. to the Zoning Board of Adjustment and the way it was handled. Mr. Carlton was invited to the meeting but was not able to come.

He stated that Mr. Carlton quoted from the Zoning Board's Rules of Procedure, Article 16 (d) which states that the Board of Adjustment functions as a court of appeals on how the lower court rules in both procedure and application of the law, and can either uphold, overturn or send back to the lower court, but no new evidence is to be heard. Mr. Paul stated that Mr. Graham said the appeal for 115 E. Council was handled as an Administrative Review.

David Phillips stated that the case was an Administrative Review of the Commission's ruling. He stated that in speaking with Rivers Lawther, the Board of Adjustment is supposed to listen to the facts but new evidence should not have been introduced at the hearing; however, the Board did allow it. Also, according to Rivers Lawther, the Commission cannot dictate how the Board of Adjustment should rule in an action, and if that happens it would probably not stand up in court.

Mr. Paul stated the Commission needs to address any lack of clarification that there might be in the Rules of Procedure which would allow a Chairman of the Board of Adjustment not to know how an appeal should be handled. Also, they need to have something documented in the records of the Commission as well as the Board of Adjustment to make sure that precedence has not been set in the way the appeal was handled. All members agreed. Mr. Paul said he would rather it be handled just between the 2 boards without going to the City Council.

David Phillips stated that he would make sure that Mr. Carlton brings it up for discussion at the next meeting of the Board of Adjustment.

Mr. Paul stated that he wants Commission members to understand that the Commission does not approve parts of a request. It can be approved, overturned, tabled, but it cannot be approved in parts.

Maureen O'Farrell stated the committee talked about making changes to the application form. She suggested that something is removed or changed during the meeting, the applicant or agent should have to sign something so that it will be documented that they have agreed to a change.

Mr. Paul commented that when the motion is made, it should be incorporated that changes have been made.

Charles Paul made the following motion: "I would like to move that (1) staff be directed to make some recommendations on changing the application form in a manner to allow what Maureen has suggested (2) to take a look at the HPC Rules of Procedure with the city attorney and see if anything needs to be clarified so that lay persons might be able to understand all the language (3) communicate with the Board of Adjustment to see if they are willing to do the same with their Rules of Procedure so that they all will be aware of how an appeal is to be handled."

Mark Perry seconded the motion; all members voted AYE.

New Business

David Phillips informed the Commission that recently there has been several complaints made about the condition of the Blackmer house. He stated that Council has become involved and the matter will be discussed at their next Council meeting on February 17th.

Dick Sylvester voiced his concern of the methods Duke Power is using in pruning trees throughout the city.

Lynn Raker announced that the Tree Board has invited Duke Power representatives to speak on Wednesday, February 18th at the Park Avenue Community Center, 12:30 p.m.

Minutes

The January 2004 minutes were approved upon a motion by Kathy Walters following a correction by Mark Perry, and seconded by Ron Fleming.

Adjournment

There being no other business to come before the Commission, the meeting was adjourned.

Charles Paul, Chairman

Judy Jordan, Secretary